

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

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|----------------------------------|---|---------------------|
| HEATHER DAVIS,                   | ) |                     |
|                                  | ) |                     |
| Plaintiff,                       | ) |                     |
|                                  | ) |                     |
| v.                               | ) | No. 24-cv-01146-TMP |
|                                  | ) |                     |
| MARTIN O'MALLEY,                 | ) |                     |
| COMMISSIONER OF SOCIAL SECURITY, | ) |                     |
|                                  | ) |                     |
| Defendant.                       | ) |                     |

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**ORDER GRANTING DEFENDANT'S MOTION TO REVERSE AND REMAND**

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The Commissioner of Social Security has moved the court to reverse the decision of the Administrative Law Judge ("ALJ") and remand this action to the Commissioner pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g). (ECF No. 19.)<sup>1</sup> The Commissioner states that the necessity for remand was not apparent until the plaintiff filed her brief. Plaintiff does not oppose the motion.

Remand will expedite administrative review, ensure that the Commissioner properly considers the plaintiff's claims, and may

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<sup>1</sup>After the parties consented to the jurisdiction of a United States magistrate judge on October 10, 2024, this case was referred to the undersigned to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73. (ECF No. 14.)

ultimately make judicial review unnecessary. Remand by this court is appropriate under 42 U.S.C. § 405(g), which provides:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing.

See also Melkonyan v. Sullivan, 501 U.S. 89 (1991); Newkirk v. Shalala, 25 F.3d 316, 318 (6th Cir. 1994).

For the foregoing reasons, and pursuant to the Supreme Court's decision in Shalala v. Schaefer, 509 U.S. 292 (1993), the Court hereby enters judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the decision of the ALJ and remanding this case to the Commissioner under sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

s/Tu M. Pham  
TU M. PHAM  
Chief United States Magistrate Judge  
  
November 27, 2024  
Date